



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2483

DATE SCANNED 10-11-11

SCANNER NO. 2

SCAN OPERATOR JMP

11092672482



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director

FROM: Patricia Carmona *NUC for*
Chief Compliance Officer

Debbie Chacona *NUC for*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship *W* Sari Pickerall/Ian Wandner
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2011 April Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2011 April Quarterly Report in accordance with 2 U.S.C. 434(a). The April Quarterly Report was due on April 15, 2011.

The committees listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2011 APRIL QUARTERLY Not Election Sensitive 04/15/2011 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2480	C00468603	CLINT DIDIER FOR SENATE	DIDIER, CLINT B	MELISSA MILAM	\$299,519	0		Not Filed	\$299,519 (est)	\$8,800
2481	C00463976	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K	DIERDRE K SCOZZAFAVA	\$109,229	1		Not Filed	\$109,229 (est)	\$6,187

2483	C00474692	JEFF BARNETT FOR CONGRESS	BARNETT, JEFFERY ROBERT	JOYCE MCEWEN	\$169,656	0		Not Filed	\$169,656 (est)	\$6,050
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2011)
April Quarterly Report for the)
Administrative Fine Program:)

CLINT DIDIER FOR SENATE, and) AF# 2480
MELISSA MILAM as treasurer;)
DEDE FOR CONGRESS INC, and) AF# 2481
SCOZZAFAVA, DIERDRE K as treasurer;)

JEFF BARNETT FOR CONGRESS, and) AF# 2483
MCEWEN, JOYCE MS. as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 13, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2011 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 10, 2011, on the following committees:

AF#2480 Decided by a vote of 6-0 to: (1) find reason to believe that CLINT DIDIER FOR SENATE, and MELISSA MILAM as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2481 Decided by a vote of 6-0 to: (1) find reason to believe that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2483 Decided by a vote of 6-0 to: (1) find reason to believe that JEFF BARNETT FOR CONGRESS, and MCEWEN, JOYCE MS. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 14, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 2011

Joyce McEwen, in official capacity as Treasurer
Jeff Barnett for Congress
P.O. Box 941
McLean, VA 22101

C00474692
AF#: 2483

Dear Ms. McEwen:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31, 2011, shall be filed no later than April 15, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On June 13, 2011, the FEC found that there is reason to believe ("RTB") that Jeff Barnett for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15, 2011. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$6,050. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$6,050 is due within forty (40) days of the finding, or by July 23, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$169,656
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or July 23, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(o).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Jeff Barnett for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$6,050 for the 2011 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by July 23, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice. .

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Jeff Barnett for Congress

FEC ID#: C00474692

AF#: 2483

PAYMENT DUE DATE: July 23, 2011

PAYMENT AMOUNT DUE: \$6,050

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 17, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer
Staff Director

FROM: Patricia Carinona *PC for PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickeral/Ian Wandner *iw*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2011 April Quarterly Report

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2011 April Quarterly Report. The list represents the committees that have not paid the civil money penalty. These committees have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, seven (7) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty and will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding. An overview of each of these cases has been provided below.

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Clint Didier for Senate (AF 2480) filed the 2011 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$299,519), which would result in no civil money penalty (fine previously assessed to be \$8,800).

Dede for Congress Inc (AF 2481) filed the 2011 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$109,229), which would result in no civil money penalty (fine previously assessed to be \$6,187).

Jeff Barnett for Congress (AF 2483) filed the 2011 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$169,656), which would result in no civil money penalty (fine previously assessed to be \$6,050).

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Make final determination that the political committees and their treasurers listed on the attached reports with no activity, violated 2 U.S.C. § 434(a) and will not be assessed a civil money penalty.

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8/17/2011 8:15 AM

Federal Election Commission
FD Circulation Report Review - Fine Not Paid
2011 APRIL QUARTERLY Not Election Sensitive 04/15/2011 H S P

AP#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2480	CLINT DIDIER FOR SENATE	DIDIER, CLINT B.	C00468803	MELISSA MILAM	08/10/2011	Not Filed	\$0	0	08/13/2011	\$8,800	65	None
2481	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K.	C00463976	DIERDRE K. SCOZZAFAVA	07/18/2011	Not Filed	\$0	1	08/13/2011	\$8,187	65	None
2483	JEFF BARNETT FOR CONGRESS	BARNETT, JEFFERY ROBERT	C00474892	JOYCE MCEWEN	07/15/2011	Not Filed	\$0	0	08/13/2011	\$8,050	65	None

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final)
Determination Recommendation for the)
2011 April Quarterly Report:)

CLINT DIDIER FOR SENATE, and) AF# 2480
MELISSA MILAM as treasurer;)
DEDE FOR CONGRESS INC, and) AF# 2481
SCOZZAFAVA, DIERDRE K as treasurer;)

JEFF BARNETT FOR CONGRESS, and) AF# 2483
MCEWEN, JOYCE MS. as treasurer;)

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CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on August 18, 2011 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2011 April Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated August 17, 2011, on the following committees:

AF#2480 Decided by a vote of 6-0 to: (1) make a final determination that CLINT DIDIER FOR SENATE, and MELISSA MILAM as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2481 Decided by a vote of 6-0 to: (1) make a final determination that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Federal Election Commission
Certification for Administrative Fines
August 18, 2011

Page 3

AF#2483 Decided by a vote of 6-0 to: (1) make a final determination that JEFF BARNETT FOR CONGRESS, and MCEWEN, JOYCE MS. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

August 19, 2011
Date

Shelley E. Gair
Shelley E. Gair
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 19, 2011

Joyce McEwen, in official capacity as Treasurer
Jeff Barnett for Congress
P.O. Box 941
McLean, VA 22101

C00474692
AF#: 2483

Dear Ms. McEwen:

On June 13, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Jeff Barnett for Congress and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2011 April Quarterly Report. By letter dated June 15, 2011, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$6,050 in accordance with the schedule of penalties at 11 CFR § 111.43. The amount of the civil money penalty has been changed to reflect the actual level of activity of the 2011 April Quarterly Report.

The FEC made a final determination on August 18, 2011 that you, in your official capacity as treasurer, and Jeff Barnett for Congress violated 2 U.S.C. § 434(a), assessed no civil money penalty in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2483

DATE SCANNED 10-11-11

SCANNER NO. 2

SCAN OPERATOR JMB

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